

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CRAIG GOULET

Plaintiff,

v.

NEW PENN MOTOR EXPRESS

Defendant

and

TEAMSTERS LOCAL 25

**INTERNATIONAL BROTHERHOOD OF
TEAMSTERS**

Defendant,

**CIVIL ACTION
NO. 04-12577-WGY**

PROPOSED JURY INTERROGATORIES OF DEFENDANT
TEAMSTERS LOCAL 25

Defendant, Teamsters Local 25 respectfully submits the following Proposed Jury Interrogatories and General Verdict Forms for the Court's consideration. Local 25 reserves the right to supplement these Interrogatories in accordance with issues that may arise in connection with the Court's rulings on motions and matters which may arise in the course of the trial.

Respectfully submitted,
For the Defendant,
**INTERNATIONAL BROTHERHOOD
OF TEAMSTERS, LOCAL 25**
By its attorneys,



Matthew E. Dwyer
B.B.O. # 139840
Kathleen A. Pennini
B.B.O. # 654573
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(617) 723-9777

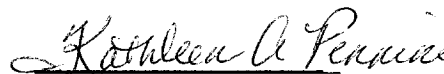
Date: June 21, 2006

CERTIFICATE OF SERVICE

I, Kathleen A. Pennini, hereby certify that I have sent, via electronic mail, this document to:

Scott Lathrop, Esq.
Scott A. Lathrop & Associates
122 Old Ayer Road
Groton, MA 01450

Carl H. Gluck, Esq.
Frantz Ward, LLP
55 Public Square Building, 19th Floor
Cleveland, OH 44113-1999


Kathleen A. Pennini

UNITED STATES DISTRICT COURT
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DEFENDANT, TEAMSTERS LOCAL 25'S JURY INTERROGATORIES NO. 1

Did Mr. Goulet prove by a preponderance of the evidence that New Penn breached the collective bargaining agreement with the Teamsters National Freight Industry Negotiating Committee (TNFINC) by failing to place Mr. Goulet on the call list for the Billerica terminal subsequent to A.P.A's closure?

ANSWER Yes _____ No _____

- If you answered "NO" to Interrogatory No. 1, sign the "Defendants' General Verdict Form" and notify the Court that you have reached a verdict.
- If you answered "Yes" to Interrogatory No. 1, proceed to Interrogatory No. 2

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DEFENDANT, TEAMSTERS, LOCAL 25'S JURY INTERROGATORY NO. 2

Did Mr. Goulet prove by a preponderance of the evidence that New Penn's conduct as described in Jury Interrogatory No. 1 harmed Mr. Goulet?

Answer

Yes _____

No _____

- If you answered "no" to Interrogatory No. 2, sign the Defendants General Verdict Form and notify the Court that you have reached a verdict
-
- If you answered "Yes" to Interrogatory No. 2, proceed to Interrogatory No. 3.

UNITED STATES DISTRICT COURT
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TEAMSTERS LOCAL 25)
INTERNATIONAL BROTHERHOOD OF)
TEAMSTERS)
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DEFENDANT, TEAMSTERS LOCAL 25'S JURY INTERROGATORIES NO. 3

Did Mr. Goulet prove by a preponderance of the evidence that Local 25 breached its duty of fair representation toward Mr. Goulet? Local 25 breached its duty of fair representation only if Local 25 failed to act honestly, in good faith or acted arbitrarily

- If you answered "NO" to Interrogatory No. 3, sign the "Defendants' General Verdict Form" and notify the Court that you have reached a verdict.
- If you answered "Yes" to Interrogatory No. 3, proceed to Interrogatory No. 4.

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**CIVIL ACTION
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DEFENDANT, TEASMTERS LOCAL 25 JURY INTERROGATORIES NO. 4

Did Mr. Goulet prove by a preponderance of the evidence that Local 25's conduct toward him was arbitrary or in bad faith? Local 25's conduct was arbitrary only if, in light of the factual and legal landscape at the time of its actions, Local 25's behavior was so far outside a wide range of reasonableness as to be irrational. Local 25's conduct was in bad faith only if Mr. Goulet has provided substantial evidence of fraud, deceitful action, dishonest conduct, or evidence that Local 25 was motivated by personal animus toward Mr. Goulet.

- If you answered "NO" to Interrogatory no. 4, sign the "Defendants' General Verdict Form" and notify the Court that you have reached a verdict.
- If you answered "Yes" to Interrogatory No. 4, proceed to Interrogatory No. 5

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**CIVIL ACTION
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DEFENDANT, TEAMSTERS LOCAL 25'S JURY INTERROGATORIES NO. 5

Did Mr. Goulet know in 2003 that Local 25 had not docketed his case?

Yes _____ No _____

If you answered NO to Interrogatory No. 5, go to Interrogatory No. 6

If you answered "YES" to Interrogatory No. 5, sign the Defendant's General Verdict Form and notify the Court that you have reached a verdict.

UNITED STATES DISTRICT COURT
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CRAIG GOULET

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TEAMSTERS LOCAL 25

INTERNATIONAL BROTHERHOOD OF
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DEFENDANT, TEAMSTERS LOCAL 25'S PROPOSED

JURY INTERROGATORY NO. 6

Do you find that Mr. Goulet has failed to mitigate his damages since March 1, 2002?

Yes _____ -

No _____

If you answered NO to Interrogatory No. 6, go to Interrogatory No. 7

If you answered "YES" to Interrogatory No. 6, sign the Defendant's General Verdict Form and notify the Court that you have reached a verdict.

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DEFENDANT, TEAMSTERS LOCAL 25'S PROPOSED
JURY INTERROGATORY NO. 7

Did Mr. Goulet prove by a preponderance of the evidence that Local 25's conduct was the proximate cause of harm to Mr. Goulet?

Answer:

Yes _____

No _____

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DEFENDANT, TEAMSTERS LOCAL 25'S PROPOSED JURY
INTERROGATORY NO. 8

What amount of damages, if any, has Mr. Goulet proven by a preponderance of the evidence that he suffered as a result of New Penn's breach of the collective bargaining agreement?

Write the amount in words and figures (e.g., Ten Dollars (\$10.00))

Proceed to Interrogatory No. 9 and sign the General Verdict form in favor or Plaintiff, Craig Goulet.

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DEFENDANT, TEAMSTERS LOCAL 25'S PROPOSED JURY
INTERROGATORY NO. 9

What amount of damages, if any, has Mr. Goulet proven by a preponderance of the evidence that he suffered as a result of Local 25's breach of the duty of fair representation and/or arbitrary or bad faith conduct? Write the amount in words and figures (e.g., Ten Dollars (\$10.00)).

Proceed to and sign the General Verdict Form.

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**DEFENDANT, TEAMSTERS LOCAL 25'S PROPOSED JURY
INTERROGATORY NO. 10**

We, the jury, having been duly impaneled and sworn, do find the issues joined in favor of the Plaintiff and against Defendant New Penn Motor Express, Inc., and award the Plaintiff

damages against New Penn in the sum of * _____ \$

_____ and

against Teamsters Local 25 in the sum of * _____ \$ _____

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**CIVIL ACTION
NO. 04-12577-WGY**

DEFENDANT, TEAMSTERS LOCAL 25'S JURY INTERROGATORY NO. 11

We, the jury, having been duly impaneled and sworn, do find the issues joined in favor of the Defendants and against the Plaintiff.

Respectfully submitted,
For the Defendant,
**INTERNATIONAL BROTHERHOOD
OF TEAMSTERS, LOCAL 25**
By its attorneys,

Matthew E. Dwyer
B.B.O. # 139840
Kathleen A. Pennini
B.B.O. # 654573
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Two Center Plaza, Suite 430
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(617) 723-9777

Date: June 21, 2006

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